



General Assembly

Amendment

February Session, 2016

LCO No. 4477



Offered by:

REP. BECKER, 19th Dist.

REP. JUTILA, 37th Dist.

REP. SMITH, 108th Dist.

SEN. CASSANO, 4th Dist.

SEN. MCLACHLAN, 24th Dist.

To: Subst. House Bill No. **5498**

File No. 491

Cal. No. 312

"AN ACT REVISING THE REGULATION REVIEW PROCESS."

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- 1 Strike line 79 in its entirety and insert the following in lieu thereof:
- 2 "information contained in the regulation, (6) correct spelling,
3 grammar, punctuation, formatting or typographical errors, with no
4 substantive changes made, or [(2) that the] (7) repeal [of]"
- 5 Strike lines 126 to 129, inclusive, in their entirety, and substitute the
6 following in lieu thereof:
- 7 "welfare. The agency's finding and a brief statement of the reasons
8 therefor shall be submitted with the regulation.] Each emergency
9 regulation shall be effective when posted on the eRegulations System
10 by the Secretary of the State. The agency shall take"
- 11 Strike lines 227 to 230, inclusive, in their entirety, and substitute the

12 following in lieu thereof:

13 "regulation review committee pursuant to such review which, in the
14 determination of the regulation review committee, would require the
15 enactment of authorizing legislation.] introduce legislation to
16 authorize the agency to amend or repeal existing regulations. If"

17 After the last section, add the following and renumber sections and
18 internal references accordingly:

19 "Sec. 501. Subsection (a) of section 4-168 of the general statutes is
20 repealed and the following is substituted in lieu thereof (*Effective from*
21 *passage and applicable to regulations noticed on and after January 1, 2017*):

22 (a) Except as provided in subsections (g) and (h) of this section, an
23 agency, not less than thirty days prior to adopting a proposed
24 regulation, shall (1) post a notice of its intended action on the
25 eRegulations System, which notice shall include (A) a specified public
26 comment period of not less than thirty days, (B) a description
27 sufficiently detailed so as to apprise persons likely to be affected of the
28 issues and subjects involved in the proposed regulation, (C) a
29 statement of the purposes for which the regulation is proposed, (D) a
30 reference to the statutory authority for the proposed regulation, (E)
31 when, where and how interested persons may obtain a copy of the
32 small business impact and regulatory flexibility analysis required
33 pursuant to section 4-168a, and (F) when, where and how interested
34 persons may present their views on the proposed regulation; (2) post a
35 copy of the proposed regulation on the eRegulations System; (3) give
36 notice electronically to each joint standing committee of the General
37 Assembly having cognizance of the subject matter of the proposed
38 regulation; (4) prior to January 1, 2017, give notice electronically or
39 provide a paper copy notice, if requested, to all persons who have
40 made requests to the agency for advance notice of its regulation-
41 making proceedings; (5) provide a paper copy or electronic version of
42 the proposed regulation to persons requesting it; and (6) prepare a
43 fiscal note, including an estimate of the cost or of the revenue impact

44 (A) on the state or any municipality of the state, and (B) on small
45 businesses in the state, including an estimate of the number of small
46 businesses subject to the proposed regulation and the projected costs,
47 including, but not limited to, reporting, recordkeeping and
48 administrative, associated with compliance with the proposed
49 regulation and, if applicable, the regulatory flexibility analysis
50 prepared under section 4-168a. The governing body of any
51 municipality, if requested, shall provide the agency, within twenty
52 working days, with any information that may be necessary for analysis
53 in preparation of such fiscal note. On and after January 1, 2017, each
54 such agency shall mail a paper copy of the notice posted pursuant to
55 subdivision (1) of this subsection, not later than five days after posting
56 such notice, to any person who has requested advance notice of the
57 agency's regulation-making proceedings on or after October 1, 2016.

58 Sec. 502. (*Effective from passage*) (a) Not later than September 1, 2016,
59 each agency that provides an electronic notice or paper copy notice of
60 the agency's intent to adopt regulations to persons who have requested
61 such notification pursuant to section 4-168 of the general statutes, as
62 amended by this act, shall provide a list of the electronic mail address
63 or United States Postal Service physical address, as applicable, of each
64 such person to the Office of Policy and Management. Not later than
65 October 1, 2016, the Secretary of the Office of Policy and Management
66 shall notify each person on the list submitted by the agency that on
67 and after January 1, 2017, any such notice of intent shall be provided
68 (1) electronically on the eRegulations System, or (2) by mail to any
69 person who submits a written request to the applicable agency to
70 receive a paper copy of notice on or after the effective date of this
71 section. The office shall include in any such notice provided under
72 subdivision (2) of this subsection instructions on how to subscribe to
73 electronic notifications on the eRegulations System.

74 (b) The office shall provide the notice required under subsection (a)
75 of this section electronically to any person who has provided an
76 electronic mail address and by mail to any person who has requested a
77 paper copy of such notice.

78 Sec. 503. Subsection (e) of section 4-168 of the general statutes is
79 repealed and the following is substituted in lieu thereof (*Effective*
80 *January 1, 2017, and applicable to regulations noticed on and after said date*):

81 (e) After the close of the public comment period and prior to
82 submission to the Attorney General, in accordance with section 4-169,
83 as amended by this act, the agency shall post on the eRegulations
84 System a notice describing whether the agency has decided to move
85 forward with the proposed regulation. [The agency shall provide such
86 notice electronically to all persons who have submitted oral or written
87 comment on the proposed regulation and shall provide a paper copy
88 of such notice to all persons who have submitted comments in a
89 nonelectronic format. The] If any comments have been received, the
90 agency shall also post on the eRegulations System: (1) [The final
91 wording of the proposed regulation; (2) a] A statement of the principal
92 reasons in support of its intended action; and [(3)] (2) a statement of
93 the principal considerations in opposition to its intended action as
94 urged in written or oral comments on the proposed regulation and its
95 reasons for rejecting such considerations. The agency shall distribute
96 its response to comments electronically to all persons who have
97 commented on the regulation and have provided a valid electronic
98 mail address and shall mail a copy of such response to any person who
99 has commented on the regulation and specifically requested a paper
100 copy on or after January 1, 2017.

101 Sec. 504. Section 4-169 of the general statutes is repealed and the
102 following is substituted in lieu thereof (*Effective January 1, 2017, and*
103 *applicable to regulations noticed on and after said date*):

104 No adoption, amendment or repeal of any regulation, except a
105 regulation issued pursuant to subsection (g) of section 4-168, as
106 amended by this act, shall be effective until the proposed regulation
107 and any revision of a proposed regulation to be resubmitted to the
108 standing legislative regulation review committee (1) has been
109 submitted electronically to the Attorney General and the version
110 submitted to the Attorney General posted on the eRegulations System

111 by the agency proposing such regulation, and (2) approved by the
112 Attorney General or by some other person designated by the Attorney
113 General for such purpose. The review of such regulations by the
114 Attorney General shall be limited to a determination of the legal
115 sufficiency of the proposed regulation. If the Attorney General or the
116 Attorney General's designated representative fails to give notice to the
117 agency of any legal insufficiency within thirty days of the receipt of the
118 proposed regulation, the Attorney General shall be deemed to have
119 approved the proposed regulation for purposes of this section. The
120 approval of the Attorney General shall be provided to the agency
121 electronically, included in the regulation-making record and submitted
122 electronically by the agency to the standing legislative regulation
123 review committee. As used in this section "legal sufficiency" means
124 [(1)] (A) the absence of conflict with any general statute or regulation,
125 federal law or regulation or the Constitution of this state or of the
126 United States, and [(2)] (B) compliance with the notice and hearing
127 requirements of section 4-168, as amended by this act.

128 Sec. 505. Section 4-173b of the general statutes is repealed and the
129 following is substituted in lieu thereof (*Effective from passage*):

130 (a) The Secretary of the State shall establish and maintain the
131 eRegulations System, which shall include a compilation of the
132 regulations of Connecticut state agencies adopted by all state agencies
133 subsequent to October 27, 1970. Such compilation may be a revision of
134 the most current compilation published by the Commission on Official
135 Legal Publications. The Commission on Official Legal Publications
136 shall, within available appropriations, provide any assistance
137 requested by the Secretary of the State in the creation of the
138 eRegulations System. On and after the certification date the
139 eRegulations System shall also include the official electronic
140 regulation-making record described in section 4-168b. On and after the
141 date the Secretary of the State certifies the eRegulations System as
142 sufficient pursuant to this section, the regulations of Connecticut state
143 agencies published by the Secretary on said system shall be the official
144 compilation of the regulations of Connecticut state agencies for all

145 purposes, including all legal and administrative proceedings. The
146 Secretary of the State shall update the compilation of the regulations of
147 Connecticut state agencies published on the eRegulations System at
148 least monthly. The eRegulations System shall be easily accessible to
149 and searchable by the public and shall enable members of the public to
150 request and receive an electronic notification when an agency posts a
151 notice of intent to adopt regulations in accordance with section 4-168,
152 as amended by this act. The Secretary of the State may specify the
153 format in which state agencies shall submit the final approved version
154 of such regulations and all other documents required pursuant to this
155 section and sections 4-167, 4-168, as amended by this act, 4-170 and 4-
156 172, as amended by this act, and all state agencies shall follow the
157 instructions of the Secretary of the State with respect to agency
158 submissions to the Secretary.

159 (b) The Secretary of the State shall post on the eRegulations System
160 all effective regulations of Connecticut state agencies as provided by
161 the Commission on Official Legal Publications and any updates
162 thereto. The Secretary of the State shall designate such posting as an
163 unofficial version of the regulations of Connecticut state agencies until
164 such time as the Secretary certifies in writing that the compilation of
165 the regulations of Connecticut state agencies published on the
166 eRegulations System is technologically sufficient to serve as the official
167 compilation of the regulations of Connecticut state agencies and the
168 electronic repository for the regulation-making record. Such
169 certification shall be published on the Secretary's Internet web site and
170 in the Connecticut Law Journal. Until such time as the Secretary makes
171 such certification concerning the official compilation: (1) The Secretary,
172 upon receipt of the certified electronic copy of an approved regulation
173 in accordance with section 4-172, as amended by this act, shall forward
174 an electronic copy of such regulation to the Commission on Official
175 Legal Publications for publication in accordance with this section, (2)
176 the Commission on Official Legal Publications shall continue to
177 publish the regulations of Connecticut state agencies, and (3) such
178 published version shall be the official version of said regulations.

179 [(b)] (c) Each agency and quasi-public agency with regulatory
 180 authority shall post a conspicuous web site link to the eRegulations
 181 System on the agency's or quasi-public agency's Internet web site and
 182 shall, if practicable, link to the specific provisions of the regulations of
 183 Connecticut state agencies that concern the agency's or quasi-public
 184 agency's particular programs.

185 [(c)] (d) Not later than January 1, 2014, the Secretary of the State
 186 shall develop and implement a plan to maintain a paper copy at the
 187 office of the Secretary of the State of all of the regulations of
 188 Connecticut state agencies posted on the eRegulations System."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>from passage and applicable to regulations noticed on and after January 1, 2017</i>	4-168(a)
Sec. 502	<i>from passage</i>	New section
Sec. 503	<i>January 1, 2017, and applicable to regulations noticed on and after said date</i>	4-168(e)
Sec. 504	<i>January 1, 2017, and applicable to regulations noticed on and after said date</i>	4-169
Sec. 505	<i>from passage</i>	4-173b